

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RE: Kenneth Clarence Blackwell, Sr.	:	
Cheri Kay Williams Blackwell	:	
Debtors	:	Chapter 13
	:	
Seterus, Inc., as the authorized subservicer for	:	Bankruptcy Number 18-01119 HWV
Federal National Mortgage Association	:	
("Fannie Mae"), creditor	:	
Movant	:	
v.	:	
Kenneth Clarence Blackwell, Sr.	:	
Cheri Kay Williams Blackwell	:	
and	:	
Charles J. DeHart, III, Trustee	:	
Respondents	:	

**MOTION OF SETERUS, INC., AS THE AUTHORIZED SUBSERVICER FOR
FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR
FOR RELIEF FROM AUTOMATIC STAY UNDER SECTION 362(D)(1)TO PERMIT
MOVANT TO FORECLOSE ON 2218 N. 6TH STREET, HARRISBURG PA 17110**

Seterus, Inc., as the authorized subservicer for Federal National Mortgage Association ("Fannie Mae"), Movant herein, by and through its attorney, Heather Riloff, Esquire, respectfully represents:

1. Kenneth Clarence Blackwell, Sr. and Cheri Kay Williams Blackwell, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code on March 21, 2018 under Bankruptcy No. 18-01119. Upon information and belief, the Debtors have continued in possession of the property located at 2218 N. 6th Street, Harrisburg, PA 17110 (the "Subject Premises"), and is now managing it.
2. Title to the Subject Premises was vested in Ora Bell Blackwell and Ora Lee Blackwell as Joint Tenants with the Right of Survivorship by Deed recorded July 26, 2007 in the Office of the Recorder of Deeds of Dauphin County as Instrument ID #20070029912.

3. Upon information and belief, Ora Bell Blackwell departed this life on November 27, 2008 and title became vested in Ora Lee Blackwell by operation of law.

4. Movant is a secured creditor by reason of decedents, Ora Lee Blackwell and Ora Bell Blackwell, having executed a mortgage on the Subject Premises to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for AEGIS Wholesale Corporation on July 10, 2007, which mortgage was recorded in the Office of the Recorder of Deeds of Dauphin County on July 26, 2007 as Instrument No. 20070029913.

5. The mortgage has since been assigned to Movant herein by written assignment which was recorded in the Office of the Recorder of Deeds of Dauphin County on January 19, 2016 as Instrument No. 20160001353.

6. Upon information and belief, Ora Lee Blackwell departed this life on June 2, 2016 and Debtor, Kenneth Clarence Blackwell, Sr., is an heir of Ora Lee Blackwell.

7. Movant seeks relief for the purpose of foreclosing its mortgage against the Debtors' interest in the Premises known as 2218 N. 6th Street, Harrisburg PA 17110.

8. Movant lacks adequate protection in that the Debtors have failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note. Movant wishes to continue with the foreclosure action, which was stayed by the filing of the instant petition in bankruptcy.

9. As of the date of the filing of bankruptcy on March 21, 2018, Movant was the holder of a secured claim against the Premises for the sum of \$36,285.56 which represented unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. On that date, arrears to be paid through the plan were \$4,284.33. A proof of claim was filed by Movant on May 30, 2018.

10. Debtors have not made regular timely post-petition mortgage payments outside the plan and the account is now due as follows:

DUE FROM	DUE TO	DESCRIPTION	AMOUNT DUE
4/1/2018	6/1/2018	@436.32 P/M	1,308.96
		Attorney's fee	850.00
		Filing fee	181.00
		TOTAL DUE	2,339.96

11. Upon entry of an Order Granting Relief, Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c)

12. Movant requests that Rule 4001(a)(3) be waived.

13. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code

14. Debtors have no reasonable prospect for reorganization.

15. If Movant is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362(d)(1) be modified to permit it to foreclose on premises 2218 N. 6th Street, Harrisburg PA 17110, that Rule 4001(a)(3) be waived, that upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c), That Movant may take such actions with respect to the real property as are set forth under applicable non-bankruptcy law. Movant requests that the relief

granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

/s/Heather S. Riloff
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